

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Floyd E. Brown, II,

Plaintiff,

v.

Wal-Mart,

Defendant.

C/A No. 3:23-cv-1203-JFA-SVH

ORDER

Floyd E. Brown, II (“Plaintiff”), proceeding pro se, brings this civil action against Wal-Mart based on accusations of wrongful arrest. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), the case was referred to the Magistrate Judge for pretrial proceedings. Specifically, the Magistrate Judge performed an initial review of the defendant’s motion to dismiss.

After performing an initial review of the defendant’s motion to dismiss and issuing a rule to show cause order, the Magistrate Judge assigned to this action¹ prepared a thorough Report and Recommendation (“Report”). (ECF No. 43). Within the Report, the Magistrate Judge opines this action is subject to dismissal for failure to prosecute pursuant to Federal Rule of Civil Procedure 41. *Id.* The Report sets forth, in detail, the relevant facts and standards of law on this matter, and this Court incorporates those facts and standards without a recitation.

¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.). The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976).

Plaintiff was advised of his right to object to the Report, which was entered on the docket on December 27, 2023. *Id.* The Magistrate Judge required Plaintiff to file objections by January 10, 2024. *Id.* Plaintiff failed to file objections. Thus, this matter is ripe for review.

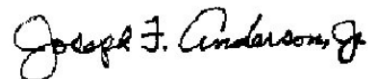
A district court is only required to conduct a *de novo* review of the specific portions of the Magistrate Judge's Report to which an objection is made. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b); *Carniewski v. W. Virginia Bd. of Prob. & Parole*, 974 F.2d 1330 (4th Cir. 1992). In the absence of specific objections to portions of the Magistrate's Report, this Court is not required to give an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

Here, Plaintiff has failed to raise any objections and therefore this Court is not required to give an explanation for adopting the recommendation. A review of the Report and prior orders indicates that the Magistrate Judge correctly concluded that Plaintiff's Complaint is subject to dismissal pursuant to Rule 41.

After carefully reviewing the applicable laws, the record in this case, and the Report, this Court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, this Court adopts the Magistrate Judge's Report and Recommendation and incorporates it herein by reference. (ECF No. 43). Consequently, this action is dismissed with prejudice for failure to prosecute. Furthermore, Defendant's motion to dismiss (ECF No. 40) is terminated as moot.

IT IS SO ORDERED.

February 14, 2024
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge